

REMARKS

The above amendments and following remarks are responsive to the points raised in the October 6, 2005 non-final Office Action. Upon entry of the above amendments, Claims 2-16 will have been amended, Claims 1 and 17-21 will have been canceled, and Claims 2-16 will be pending. No new matter has been introduced. Entry and reconsideration are respectfully requested.

Response to Rejection under 35 U.S.C. § 112, Second Paragraph

Claim 20 has been rejected under 35 U.S.C. § 112, second paragraph, “as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” More specifically, the Examiner raises issue with the Claim 20 recitation of “a third measurement unit” and “a second measurement unit”.

By virtue of the present Amendment, Claim 20 has been canceled, which obviates the issues raised by the Examiner.

Accordingly, the rejection under 35 U.S.C. § 112, second paragraph, is now moot and should be withdrawn.

Response to Rejection under 35 U.S.C. § 102

Claims 1, 8, 9, and 16 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over US Patent 5,835,560 to Amemiya et al. (Amemiya). Claims 1, 6, 8-10, 16, 17, and 21 have been rejected under 35 U.S.C. § 102(e) as being unpatentable over US Patent 6,757,051 to Takahashi et al. (Takahashi). Claims 1-5, 8, 18, and 19 have been rejected under 35 U.S.C. §

102(a) as being unpatentable over US Patent Application Publication No. 2003-0042354 A1 to Butler. Claims 1, 8, 9, and 16 are rejected under 35 U.S.C. § 102(a) as being unpatentable over US patent 6,014,421 to Chiba et al. (Chiba). Applicant traverse these rejections.

As set forth below, the Examiner has indicated the allowability of the subject matter introduced in original dependent Claims 7 and 11-15 if rewritten in independent form and including all of the limitations of the base claim and any intervening claim. In the interest of expediting the prosecution of the present application, Applicant has amended Claims 7 and 11-15 by placing each of these claims in independent form including all of the limitations of their base claim and any intervening claim. Claims 1 and 17-21 have been canceled without prejudice or disclaimer. Claims 2-6 and 8-10 have been amended to change their dependency upon amended Claim 7. On this basis, pending Claims 2-16 are distinguished over Amemiya, Takahashi, Butler, and Chiba.

Accordingly, the rejections under 35 U.S.C. §§ 102(a), (b), and (e) should be withdrawn.

Allowable Subject Matter

Claims 7 and 11-15 have been objected to by the Examiner as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As discussed above, Claims 7 and 11-15 have been amended to include all of the limitations their respective base claim and any intervening claim.

CONCLUSION

Applicant respectfully submits that Claims 2-16 are in condition for allowance and a notice to that effect is earnestly solicited.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for filing this Amendment and Request for Reconsideration to Deposit Account No. 13-4500, Order No. 1232-5380.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

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By: 

Brian W. Brown

Registration No. 47,265

(202) 857-7887 Telephone

(202) 857-7929 Facsimile

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
Three World Financial Center
New York, New York 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile